

## UNITED STATES DISTRICT COURT

FILED

for the

OCT 29 2013

Eastern District of North Carolina

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY 11/1 DEP CLK

## In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address)

USPS Priority Mail, 9114901159815400754435, mailed from San Francisco, CA, dated )  
 October 22, 2013, bearing \$5.60 postage, with a return address of John Merky, 1851 )  
 Broadway, Oakland, CA 94612 addressed to Markus Partridge, 118 Blessed Way, Angiers )  
 NC 27501 )

Case No. 5:13-mj-1954

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

USPS Priority Mail 9114 9011 5981 5400 7544 35 mailed from San Francisco, CA dated October 22, 2013, bearing \$5.60 postage, with a return address of John Merky, 1851 Broadway, Oakland, CA 94612 addressed to Markus Partridge, 118 Blessed Way, Angiers, NC 27501

located in the Eastern District of North Carolina, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances and/or the proceeds from the sale of controlled substances.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of a crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime  
 a person to be arrested or a person who is unlawfully restrained

The search is related to a violation of:

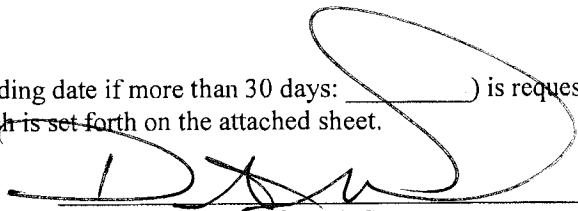
<i>Code Section</i>	<i>Offense Description</i>
Title 21, United States Code, Sections 841 and 843	Distribution and possession with intent to distribute controlled substances; Use of a communication facility.

The application is based on these facts:

See attached Affidavit

Continued on the attached sheet

Delayed notice of \_\_\_ days (give exact ending date if more than 30 days: \_\_\_ ) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

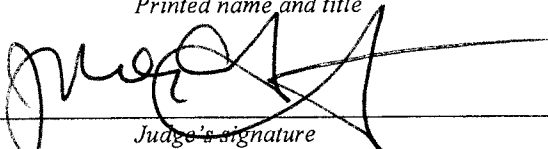
  
 Applicant's Signature

Dustin C. Holland, US Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 29 OCT. 2013

  
 Judge's signature

City and State: Raleigh, North Carolina

JAMES E. GATES, United States Magistrate Judge  
 Printed Name and Title

## AFFIDAVIT

I, Dustin C. Holland, being duly sworn, state as follows:

1. My name is Dustin Holland, and I am a United States Postal Inspector. I have been working as a Postal Inspector for over ten years and am currently assigned to the Raleigh, North Carolina, office of the United States Postal Inspection Service ("USPIS"). Prior to joining the USPIS, I was a Deputy Sheriff and Narcotics Investigator with the Nash County Sheriff's Office for nearly five years. As a Postal Inspector, I enforce federal laws relating to postal offenses. My assignment includes, but is not limited to, investigations of mail fraud, mail theft, credit card fraud, identity theft, burglaries and robberies of Post Offices, non-mailable items, including hazardous materials, narcotics and threatening communications. I have written over four hundred forty (440) search warrants on parcels suspected of containing controlled substances or proceeds from the sale of controlled substances. I have also written and/or assisted in the service of over one hundred (100) search warrants for illegal controlled substances. Based on my training and experience, I am personally familiar with the color, shape, texture and odor of most illegal controlled substances, including but not limited to, crack cocaine, cocaine, heroin, methamphetamines, ecstasy and marijuana. This affidavit is submitted in support of an application for a Search Warrant for USPS Priority Mail 9114 9011 5981 5400 7544 35 mailed from San Francisco, CA dated October 22, 2013, bearing \$5.60 postage, with a return address of John Merky, 1851 Broadway, Oakland, CA 94612 addressed to Markus Partridge, 118 Blessed Way, Angiers, NC 27501 (SUBJECT MAIL PARCEL)

2. On October 25, 2013, Subject Mail Parcel was identified as having similar characteristics to previously mailed parcels known to contain illegal narcotics or the proceeds from the sale of controlled substances. The parcel was subsequently pulled from the mailstream for additional examination.

3. The return address written on the label was John Merky, 1851 Broadway, Oakland, CA 94612. Investigation determined there is no John Merky associated with the Broadway address. I know from my training and experience that people who ship and receive controlled substances via the U.S. Mail often use fictitious names, phone numbers and/or addresses in attempts to disassociate themselves from the controlled substances.

4. On October 29, 2013, at approximately 10:25 a.m., a parcel lineup was set up at the USPIS office in Raleigh, NC. The parcel lineup was set up in an area which is not used to store or maintain any controlled substances. The parcel lineup consisted of the suspect parcel and five additional parcels of various shapes and sizes. The five additional parcels were prepared by this affiant and did not contain any controlled substances. Postal Inspectors requested assistance from Wake County Sheriff's Office (WCSO), Master Deputy J. Smith and "Hydro", a certified narcotics detection dog. Master Deputy J. Smith and "Hydro" searched the parcel lineup for the odor of controlled substances. Master Deputy J. Smith advised agents that "Hydro" had 'alerted' on SUBJECT MAIL PARCEL. Master Deputy J. Smith stated that, in the past, "Hydro's" alerts have led to the apprehension of narcotics traffickers and seizures of controlled substances. Master Deputy J. Smith advised agents that he is very familiar with "Hydro's" actions, having worked with him for

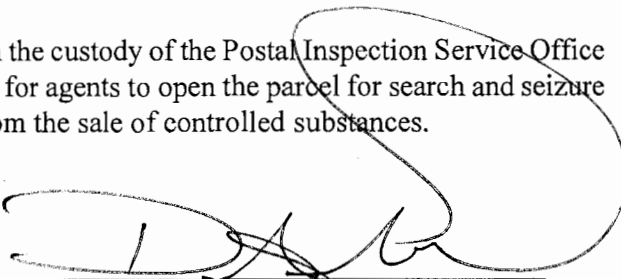
approximately twelve (12) months, and is certain "Hydro" was alerting on the USPS Parcel. Master Deputy J. Smith advised agents that "Hydro" 'alerts' to the odor of crack cocaine, cocaine, heroin, methamphetamines and marijuana. Master Deputy J. Smith further advised agents that "Hydro's" alerts have resulted in the seizure of over four hundred pounds of Marijuana, 10 kilograms of Methamphetamine, 2 kilograms of Heroin as well as over \$300,000.00 in drug proceeds. Master Deputy J. Smith stated, based upon his experience, he believed "Hydro" was indicating by the alert, the parcel contained the odor of controlled substances.

5. Prior investigations by U.S. Postal Inspectors have determined the U.S. Mails are being used to transmit controlled substances from California to other destinations in the United States. I further know materials relating to the distribution of controlled substances are often included in these packages along with the controlled substances. I have seized numerous parcels being mailed to California with proceeds from the sale of illegal narcotics which were forfeited. I have also seized countless parcels mailed from California containing controlled substances. Individuals who regularly handle controlled substances often leave the scent of controlled substances on the box and other packaging material that they handle. Packaging materials are also often stored in close proximity to the controlled substances, transferring the odor of the controlled substance to the packaging material, for which narcotic canines are trained to alert on these scents.

6. Based upon the information provided by WCSO Master Deputy J. Smith and "Hydro", a certified narcotics detection dog 's 'alerting' on the parcel, CA is a proven source originating point for the shipment of controlled substances through the mail and these facts are consistent with past narcotics trafficking investigations via the United States Mails from California to North Carolina, it is my belief SUBJECT MAIL PARCEL contains a controlled dangerous substance or the proceeds from the sale of controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 843(b).

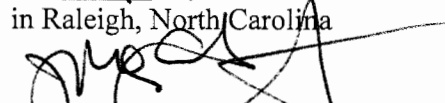
7. The parcel is presently in the custody of the Postal Inspection Service Office in Raleigh, NC. Affiant seeks authority for agents to open the parcel for search and seizure of controlled substances or proceeds from the sale of controlled substances.

Further your affiant sayeth not.



Dustin C. Holland  
Postal Inspector  
United States Postal Inspection Service

Sworn and subscribed before me,  
this 29 day of October, 2013,  
in Raleigh, North Carolina



HON. James E. Gates  
United States Magistrate Judge